

JFW
1/3

FAX TRANSMISSION

DATE: November 5, 2008

PTO IDENTIFIER: Application Number 09/938,533—Confirmation No.:2799
Patent Number 7,226,406

Inventor: Muller et al.

MESSAGE TO: US Patent and Trademark Office – Office of Petitions

FAX NUMBER: (571) 273-0025

FROM: CONNOLLY BOVE LODGE & HUTZ LLP
Michael G. Verga, Esq.

FAX RECEIVED

NOV -5 2008

PHONE: (202) 331-7111

Attorney Dkt. #: 22409-00382-US

PAGES (Including Cover Sheet): 3

CONTENTS:

- Request Under 37 CFR 1.28(c) (1 page)
- Certificate of Fax Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (202) 331-7111 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, N.W., Suite 1100, Washington, D.C. 20006
Telephone: (202) 331-7111 Facsimile: (202) 293-6229

#74625

Application No. (if known): 09/938,533

Attorney Docket No.: 22409-00382-US

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on November 5, 2008
Date**FAX RECEIVED**
NOV -5 2008/Michael G. Verga/

Signature

Michael G. Verga

Typed or printed name of person signing Certificate

39,410
Registration Number, if applicable(202) 331-7111
Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- Request Under 37 CFR 1.28(c) (1 page)

#74625

**CORRECTION TO SMALL ENTITY STATUS AND DEFICIENCY PAYMENT
(37 CFR § 1.28(c))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.	22409-00382-US
First Inventor Name	MULLER, Gerd M.
Patent Number	7,226,406
Issued Date	June 5, 2007
Application Number	09/938,533
Filed Date	August 27, 2001
Title	AT LEAST PARTIALLY IMPLANTABLE HEARING SYSTEM

FAX RECEIVED

NOV - 5 2008

REQUEST FOR CORRECTION TO SMALL ENTITY STATUS

Small entity status was established in good faith in the above-identified application or patent, and fees as a small entity were paid in good faith, and it was later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the undersigned requests that the error be excused by correcting the small entity status from small entity to large entity and submits the following deficiency payment.

CALCULATION OF DEFICIENCY PAYMENT

Type of fee erroneously paid as a small entity	Amount Paid	Date of Payment	Current Large Entity Fee	Deficiency Amount Owed
1. Utility Filing Fee	\$ 355.00	August 27, 2001	\$ 850.00	\$ 495.00
2. Extra Claim Fees	\$9 per claim 1 extra claim	August 27, 2001	\$52 per claim 1 extra claim	\$43 per claim x 1 claim=\$43
3.				
4.				
5.				
				Total \$538.00

METHOD OF PAYMENT

Enclosed herein is payment of the deficiency payment shown above for the above-identified application or patent.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication, any deficiency in payment of the required fees, including fees under 37 C.F.R. §§ 1.16, 1.17, and 1.20 or credit any overpayment to Deposit Account No. 22-0185.

Other _____

SIGNATURE/CORRESPONDENCE

I am the:

Registered attorney/agent of record New Power of Attorney Attached
 Registered attorney/agent not of record acting as a representative
 An assignee as provided for under § 3.71(b)
 All applicants/inventors

Name	Michael G. Verga	Registration No. (Attorney/Agent)	39,410
------	------------------	-----------------------------------	--------

Signature	/Michael G. Verga/	Date	November 5, 2008
-----------	--------------------	------	------------------

Customer Number 22-0185 OR Correspondence address below

Firm/Organization Connolly Bove Lodge & Hutz LLP

Address	1875 Eye Street, N.W.
---------	-----------------------

Suite 1100

City	Washington	State	D.C.	Zip Code	20006
------	------------	-------	------	----------	-------

Country	USA	Telephone	202-331-7111	Fax	202-293-6229
---------	-----	-----------	--------------	-----	--------------

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).

Dated: November 5, 2008
 Electronic Signature for Michael G. Verga: /Michael G. Verga/